

59828264-70

REMARKS

Claims 1-25 are presently pending in the present application. Claims 3-5 and 20 have been amended, and new claims 26-29 have been added hereby. It is respectfully submitted that no new matter has been presented and no new issues have been raised by the present response.

Applicants respectfully acknowledge the withdrawal of the rejections under 35 U.S.C. § 101 and 35 U.S.C. § 112 presented in the Office Action of May 3, 2005.

In the Office Action of January 4, 2006, claims 1-5, 10-12, 14, 16-17, 20 and 22-25 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2001/0053991 to Bonabeau (hereinafter "Bonabeau"). Claims 6-9, 13, 15, 18-19, and 21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bonabeau in view of W.M.P. van der Aalst, "The Application of Petri Nets to Workflow Management," The Journal of Circuits, Systems, and Computers, pp. 1-53 (1998) (hereinafter "van der Aalst").

Independent claim 1 relates to a computer-implemented method for monitoring a performance of a business activity, comprising analyzing the business activity, and selecting at least one predefined business performance model from a

59828264-70

plurality of predefined business performance models for monitoring the performance of the business activity.

As understood by Applicant, Bonabeau relates to methods and systems for generating new business models in an environment of existing business methods. The existing business methods are described with corresponding business models, the business models are simulated to determine their performances, one or more of the business models having optimal performance values are selected, and the selected business models are transformed to create new improved business methods. A space of possible business models may be described in a modular fashion and evolutionary methods may be applied to generate improved business models.

It is respectfully submitted, however, that Bonabeau does not disclose or suggest "analyzing the business activity," as recited, for instance, in independent claim 1.

The Office Action cites paragraph 19, lines 1-4 of Bonabeau as allegedly showing "analyzing the business activity" (see Office Action, p. 4, lns. 16-18). Paragraph 19 of Bonabeau states:

The methods and systems of the present invention may have various additional components. For

59828264-70

example, they may include an analysis component that is useful to interpret and understand why a particular business model is successful or unsuccessful. Another optional component may be a method for detecting "correlated success" (strategic behavior), that is, business models that exhibit performance only when combined with other business models. In this case, an investor wanting to launch such a business model would then be advised to either seek alliances with the existing synergistic businesses or to help launch synergistic companies. This is a practice more common in Japan, where it is known as kereitsu networks. A further optional component may test business methods for robustness, for example, against perturbations to the ecosystem environment of a given business model. Such perturbations may be the arrival or disappearance of new business methods, may be changing customer tastes, or so forth.

(emphasis added). As understood by Applicant, the cited section of Bonabeau reproduced above relates to components applicable to business models. The components may be used to analyze successfulness of a business model, identify correlated successes of a business model, and robustness against perturbations to the ecosystem of a business model (see Bonabeau, ¶ 19). The business models of Bonabeau are constructed from combinations of interchangeable building blocks, whereby the interchangeable building blocks describe an elementary businesses directed to the business problem at hand (see id., ¶¶ 10-11).

In contrast, the systems and methods of the present application are directed to analyzing a business activity,

59828264-70

for instance to determine which performance criteria are important to that activity, then selecting at least one predefined business performance model from a plurality of predefined business performance models for monitoring the performance of the business activity, as recited in independent claim 1.

For instance, in an exemplary embodiment of the present application, a business process A may be evaluated, and a business performance model may be selected based on one or more criteria of the business process A (see specification, p. 8, lns. 12-22; Fig. 1). The business process may also include a plurality of integrated business processes, each of which may be evaluated, for example, as illustrated in Fig. 2 (see id., p. 9, ln. 15 to p. 10, ln. 17; Fig. 2).

It is respectfully submitted that there is no disclosure or suggestion in Bonabeau that the business method analysis components relate to "analyzing the business activity," as recited in independent claims 1, 10, 16-17, 20, and 22. Likewise, it is respectfully submitted that the business method analysis components as described by Bonabeau do not relate to "analyzing at least one performance criteria of a business activity," as recited in independent claim 14.

- 15 -

NYCDMS/1012806.1

BEST AVAILABLE COPY

59828264-70

Additionally, it is respectfully submitted that Bonabeau does not disclose or suggest predefined business performance models. Bonabeau relates to the generation and improvement of new business models. The present application relates to analysis of a business activity and to the selection of predefined business performance models for monitoring the performance of the business activity.

In the present application, depending on the business activity and what performance criteria are important to that business activity, a particular predefined business performance model is selected and applied to that business activity, thereby monitoring that business activity against some specific performance criteria. Furthermore, the simulated business models of Bonabeau do not disclose or suggest "monitoring a business activity," that is, an operational business activity based on the "business performance models" claimed in independent claims 1, 10, 17, 20 and 22.

Furthermore, it is respectfully submitted that Bonabeau does not disclose or suggest analyzing an existing business activity. In an exemplary embodiment, the present application relates to monitoring and managing the performance of business activities performed by an individual or company. The business activity may be

- 16 -

NYCDMS/1012806.1

59828264-70

analyzed with respect to performance criteria which may include any information operable for validating that the business activity is performing in compliance with expectations. The one or more predefined business performance models may be utilized for monitoring the performance criteria and therefore may be operable for monitoring and managing the business activity as it is performed (see id., p. 5, ln. 22 to p. 7, ln. 7).

It is respectfully submitted that Bonabeau, in contrast, applies to analysis of models, and not to monitoring of performance of actual, existing business activities.

Accordingly, for at least the reasons stated above, it is respectfully submitted that independent claim 1, and the claims depending therefrom, including claims 2-5, are patentably distinct over the cited reference. Independent claims 10, 14, 16-17, 20, and 22, and the claims depending therefrom, including claims 11-12 and 23-25, are patentable over the cited reference for at least similar reasons.

Regarding the rejection of claims 6-9, 13, 15, 18-19, and 21, the Office Action notes that Bonabeau does not disclose or suggest at least a plurality of predefined sub-processes included within each of the first, second, and third business performance models (see Office Action, p.

- 17 -

NYCDMS/1012806.1

59828264-70

10, lns. 19-20; p. 11, lns. 16-19; p. 13, lns. 1-3). The Office Action also notes that Bonabeau does not disclose or suggest that the business activity is a business process (see id., p. 14, lns. 8-9). van der Aalst is cited as showing the missing elements.

van der Aalst, as understood by Applicant, relates to the use of workflow management for controlling, optimizing, and supporting business processes through explicit representation of business process logic which allows for computerized support. Petri nets may be used for modeling and analyzing processes within workflow management, as a design language for the specification of complex workflows, or as powerful analysis techniques for the verification of correctness of workflow procedures.

It is respectfully submitted, however, that neither van der Aalst nor Bonabeau, alone or in combination, disclose or suggest a computer-implemented method for monitoring a performance of a business activity, comprising analyzing the business activity, and selecting at least one predefined business performance model from a plurality of predefined business performance models for monitoring the performance of the business activity, as described above and as recited in independent claim 1.

- 18 -

NYCDMS/1012806.1

59828264-70

Accordingly, for at least the reasons stated above it is respectfully submitted that independent claim 1, and the claims depending therefrom, including claims 6-9, are patentably distinct over the cited references. Independent claims 10, 14, 16-17, 20, and 22, and the claims depending therefrom, including claims 13, 15, 18-19, and 21, are believed to be patentable over the cited references for at least similar reasons.

Furthermore, it is respectfully submitted that there is no suggestion or motivation in the cited references to combine the elements in the manner suggested by the Office Action.

Withdrawal of the rejection of claims 1-25 is respectfully requested.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. The claims are believed to be patentable over the cited references.

If a telephone interview would be of assistance in advancing prosecution of the present application, the Examiner is respectfully invited to contact the undersigned at the telephone number provided below.

- 19 -

NYCDMS/1012806.1


59828264-70

The Commissioner is hereby authorized to charge any fees associated with the present response to our deposit account number 02-0393.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Dated: September 11, 2006



Anthony Flint
Registration No. 55,186
BAKER & MCKENZIE LLP
1114 Avenue of the Americas
New York, NY 10036
(212) 626-4100 telephone
(212) 310-1600 facsimile

- 20 -

NYCDMS/1012806.1